

**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF CALIFORNIA**

RAY J. KORNFELD,

Plaintiff,

v.

MANAGEMENT & TRAINING CORP.,  
*et al.*,

Defendants.

Case No. 1:21-cv-00847-NONE-BAM (PC)

ORDER CONSTRUING PLAINTIFF'S  
MOTION TO FILE AMENDED COMPLAINT  
AND LODGED FIRST AMENDED  
COMPLAINT AS AN OPPOSITION TO  
DEFENDANTS' MOTION TO DISMISS  
(ECF Nos. 22, 23)

ORDER EXTENDING DEADLINE FOR  
DEFENDANTS TO FILE REPLY TO  
PLAINTIFF'S OPPOSITION  
(ECF No. 68)

**FOURTEEN (14) DAY DEADLINE**

Plaintiff Ray J. Kornfeld ("Plaintiff") is a former federal prisoner proceeding *pro se* in this civil rights action pursuant to *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971).

On August 30, 2021, Defendants filed a motion to dismiss, which was served on August 31, 2021. (ECF No. 11.) Following two extensions of time, Plaintiff's opposition was due on or before October 30, 2021. (ECF Nos. 18, 20.)

On November 1, 2021, Plaintiff filed a response to the motion to dismiss in the form of a motion to file an amended complaint and lodged a proposed first amended complaint. (ECF Nos. 22, 23.)

1 As it appears Plaintiff intends for the motion to file an amended complaint to be his  
2 response to the motion to dismiss, the Court construes the motion as Plaintiff's opposition to  
3 Defendants' motion to dismiss. Therefore, Defendants may respond to the opposition with a brief  
4 reply. Once Defendants' reply is filed, the motion to dismiss (and the request to amend included  
5 in Plaintiff's opposition brief) will be deemed submitted.

6 Accordingly, IT IS HEREBY ORDERED that within **fourteen (14) days** from the date of  
7 service of this order, Defendants shall file a reply brief, if any, in response to Plaintiff's  
8 opposition to the motion to dismiss, (ECF Nos. 22, 23).

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10 IT IS SO ORDERED.

11 Dated: November 3, 2021

12 /s/ Barbara A. McAuliffe  
13 UNITED STATES MAGISTRATE JUDGE  
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